

Agenda Bill 2009-07-13H - Ordinance No. 1587 - Directing one-time street SDC reimbursement for paving and authorizing contract

Agenda Bill ID: AB 2009-07-13H

City Council

AGENDA BILL 09-07-13H

Subject:

Ordinance No. 1587 - Directing One-Time Street SDC Reimbursement to Fund Paving Contract and Authorization for Contract Award

For Council:

July 13, 2009

Land Use Case Number:

N/A

Public Hearing:

Yes

Attachments:

Staff report of July 8, 2009

Ordinance No. 1587

Initiated by:

Public Works Department

Budget Impact:

Funds included in the current budget are sufficient for payment of the City-funded portion of paving

Sustainability Impact:

None. No new impervious area being added. Proposed paving project merely installs final lift of asphalt.

Policy Questions for Council Consideration:

Should the City grant a one-time Street SDC reimbursement to fund a developer's paving responsibility when using SDC credits in this manner is arguably not in compliance with West Linn Municipal Code Section 4.455(5)c which provides that a credit is "Not refundable for cash or any other thing of value".

Summary:


The Le Chevalier neighborhood was developed in two phases by two different developers. Neither developer has installed the final lift. The neighborhood has been without the final lift in the lower portion of Le Chevalier since 1996 and the upper portion since 2001. The City is committed to completing the paving in the neighborhood. Due to the current residential and commercial market, the developer of the upper portion indicates that he does not

have the funds needed to complete the paving. The City holds a bond sufficient to accomplish paving of the upper portions but the developer has proposed an alternative. He proposes the swapping of Street SDC Credit Certificates for cash to fund the paving. If the City Council agrees with this approach, the Street SDC account would temporarily be depleted by approximately \$30K. The SDC credits will be taken out of circulation, otherwise, when development activity increases in the City, the credits would likely be redeemed at full value, resulting in the same net effect on the Street SDC fund.

An ordinance is attached if the City Council supports the one-time authorization.

Competitive bids have been received from three paving contractors (Brix Paving, Knife River, and Eagle Elsner). Eagle Elsner is the lowest responsive, responsible bidder. If the City Council supports the developer's request, the City Council, acting as the Contract Review Board, can direct the City Manager to award the paving contract.

Recommended Action:

Consider the developer's request. Attachments 

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